No. 08-1352

Supreme Court, U.S.
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IN THE
SUPREME COURT OF THE UNITED STATES

ARKANSAS ANNUAL CONFERENCE OF THE AFRICAN METHODIST EPISCOPAL CHURCH, INC., an Arkansas Corporation, and THE AFRICAN METHODIST EPISCOPAL CHURCH, INC., a Pennsylvania Corporation,

Petitioners,

v.

NEW DIRECTION PRAISE AND WORSHIP CENTER, INC., an Arkansas Corporation,

Respondent.

On Response to Petition for Writ of Certiorari To The Supreme Court of Arkansas

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RESPONSE TO PETITION FOR WRIT OF CERTIORARI

ROGER D. ROWE
AR Bar No. 85140
Counsel of Record
LAX, VAUGHAN, FORTSON,
JONES & ROWE, P.A.
11300 Cantrell Road, Suite 201
Little Rock, AR 72212
501-376-6565 office
Attorneys for Respondent

TABLE OF CONTENTS

Page

TABLE OF CONTENTS i

TABLE OF AUTHORITIES ii

STATEMENT OF THE CASE 1

SUMMARY OF ARGUMENT 3

ARGUMENT 4

I. THE ARKANSAS COURTS ADJUDICATED THIS CASE UNDER NEUTRAL PRINCIPLES OF STATE LAW AND DID NOT REACH THE ISSUE OF "RELIGIOUS DOCTRINE" PRESENTED BY THE PETITIONERS 4

II. THE ARKANSAS COURTS PROPERLY EXCERCISED JURISDICTION OVER THIS CASE AND DECIDED IT UNDER NEUTRAL PRINCIPLES OF ARKANSAS LAW 6

III. COURSE OF DEALING WAS NOT RAISED BELOW AND PRESENTS NO ISSUE OF FEDERAL LAW 13

CONCLUSION 14

SUPPLEMENTAL APPENDIX ..... S. App. 1

TABLE OF AUTHORITIES

CASES

African Methodist Episcopal Church, Inc. v. St. Johns African Methodist Episcopal Church, 2009 Ohio 1394 (Ohio Ct. App., Fifth Div. 2009) 10,12

Arkansas Presbytery of the Cumberland Presbyterian Church v. Hudson, 344 Ark. 332, 40 S.W.3d 301 (2001) 7

Cumberland Presbytery v. Branstetter, 1992 Ky. LEXIS 28, 824 S.W.2d 417(Ky. 1992)..... 10,11

Episcopal Church Cases, 45 Cal. 4th 467, 198 P.3d 66 (Cal. 2009)..... 10,11

Episcopal Diocese v. Harnish, 11 N.Y.3d 340, 899 N.E.2d 920 (N.Y. Ct. App. 2008)..... 10,11

Farmers & Merchant's Bk. v. Deason, 25 Ark. App. 152, 752 S.W.2d 777 (1988) 8

From the Heart Church Ministries v. Philadelphia Baltimore Annual Conference, 184 Md. App. 11, 964 A.2d 215 (Ct. Spec. App. 2009)..... 10,12

Jones v. Wolf, 443 U.S. 595 (1979)..... 3,6,7,10,12

Lemon v. Kurtzman, 403 U.S. 602 (1971)..... 10

North Central New York Annual Conference v. Felker, 816 N.Y.S.2d 775, 28 A.D.3d 1130 (N.Y. App. Div. 2006)..... 10,12

St. Paul Church, Inc. v. Board of Trustees of the Alaska Missionary Conference of the United Methodist Church, Inc., 2006 Alas. LEXIS 156, 145 P.3d 541 (Alaska 2006)..... 10,11

STATUTES

Ark. Code Ann. § 4-2-202(a) (2007 Supp.)..... 13

Ark. Code Ann. § 18-12-604(a)(1) 8

Ark. Code Ann. § 18-12-604(a)(2), (b) 8

Ark. Code Ann. § 18-11-201 9

Ark. Code Ann. § 28-73-101, *et seq.* (2007 Supp.) 9

Ark. Code Ann. § 28-73-1106 9

Ark. Code Ann. § 28-73-402(a) (2007 Supp.)..... 9

Ark. Code Ann. § 28-73-402(a)(1-2) (2007 Supp.) 8

STATEMENT OF THE CASE

This case involves a dispute over the ownership of church property. The trial court, the Circuit Court of Pulaski County, Arkansas, heard the evidence and decided the case under neutral principles of Arkansas trust and property law. The petitioners appealed to the Arkansas Supreme Court, and it affirmed the case under the same neutral principles of Arkansas law. Neither Arkansas court based its decision on matters of church doctrine.

The complaint in the action stated causes of action for quiet title, ejectment, and replevin under Arkansas law. The question presented to the Arkansas courts was whether a deed for three-fourths of an acre that was given in 1971 from a member of a family named Bailey to three other members of the Bailey family "as Trustees of the Sand Hill A.M.E. Church, and to their successors in office" created a trust on the property in favor of The African Methodist Episcopal Church, Inc. (the "National A.M.E."). The circuit court and the Arkansas Supreme Court examined the 1971 Deed and held that it neither created a trust in favor of, nor conveyed any interest in the real property to, the National A.M.E. or the Arkansas Annual Conference of The African Methodist Episcopal Church, Inc. (the "Arkansas A.M.E."). Under Arkansas law, the 1971 Deed passed title to the members of the unincorporated Sand Hill A.M.E. church, through their representative trustees. App. 13-14. Title remained in the members of that congregation for thirty-four years. On October 9, 2005, the members of the Sand Hill A.M.E. church voted unanimously to

disassociate from the National A.M.E. The church members continued their association with one another, but not with the petitioners. On November 15, 2005, the church members conveyed the property to their newly formed non-profit corporation, the respondent. App. 4-5, 9. Because the petitioners were not granted any title or interest in the real property in the 1971 Deed, the Arkansas Supreme Court determined that they had no standing under Arkansas law to challenge the November 2005 conveyance of the real property to the respondent. App. 14.

The connection between the real property and the members of the Bailey family, who comprised the membership of the Sand Hill A.M.E. church in 1971 and in 2005, was very close. The Bailey ancestors, emancipated slaves from Tennessee, emigrated to Pulaski County, Arkansas in the late 1800's and settled on not less than sixty acres that are located on present day Bailey Road in Little Rock, Arkansas. Amazingly, through the era of Jim Crow, two World Wars, and the Great Depression, the Bailey family retained ownership of this tract.

In the late 1960's, Will Bailey owned approximately forty of the family's sixty acres. The three-fourths of an acre of real property at issue lies within the property owned by Will Bailey. During his lifetime, Will Bailey never conveyed any property outside of the family. Before his death, he contracted to sell the three-fourths of an acre to two nephews and a nephew-in-law, as trustees of the Sand Hill A.M.E. church. This transaction was completed by

Will Bailey's administratrix, who was also his niece, through the 1971 Deed.

The National A.M.E. publishes quadrennially *The Book of Doctrine and Discipline of the African Methodist Episcopal Church* (hereinafter the "Book of Discipline"). The 1968 edition of the Book of Discipline included a form of trust deed that would have conveyed real property to trustees of a local church in trust for the National A.M.E. S. App. 1-6. However, Will Bailey's administratrix, a member of the Sand Hill A.M.E. church, did not use the form of trust deed in the 1968 Book of Discipline when conveying the three-fourths of an acre to the trustees of the Sand Hill A.M.E. church. The 1971 Deed did not mention the National A.M.E. or the Arkansas A.M.E and created no trust in favor of either entity. The Arkansas courts held that the 1971 Deed granted title to the members of the Sand Hill church through its trustees, three Bailey family members.

SUMMARY OF ARGUMENT

The opinion of the Arkansas Supreme Court from which this petition arises did not decide any question of federal law or contravene any jurisdictional limitation under the United States Constitution. This Court authorized the judicial determination of church property disputes under neutral principles of state law in *Jones v. Wolf*, 443 U.S. 595 (1979). This case was decided by the trial court and the Arkansas Supreme Court under neutral principles of Arkansas law. The Arkansas courts made no determination of doctrinal or religious matters in the case.

Moreover, the Arkansas Supreme Court's decision in this case does not conflict with the decision of a court of last resort of another state or of this Court on a question of federal law. The recent, allegedly conflicting, cases from other states that are cited by petitioners also involve those courts' exercise of jurisdiction over property disputes. The courts from other states did not refuse in the cited cases to exercise jurisdiction because of "excessive entanglement" with religious matters. The distinction between this case and the cases cited by petitioners is, therefore, not in the exercise of jurisdiction to decide the church property dispute, but in the outcome — in this case, the local church rather than the hierarchal church prevailed on the facts presented under Arkansas law.

The petitioners failed to raise their other arguments in the trial court and to preserve the arguments for review.

ARGUMENT

I.

THE ARKANSAS COURTS ADJUDICATED THIS CASE UNDER NEUTRAL PRINCIPLES OF STATE LAW AND DID NOT REACH THE ISSUE OF "RELIGIOUS DOCTRINE" PRESENTED BY THE PETITIONERS.

In their first question for review, the petitioners assert that this case cannot be decided without "excessive entanglement" in issues of

religious doctrine and polity. On page 9 of the Petition, the petitioners argue that the decisions of the Arkansas courts in this case required a finding of whether the National A.M.E. would recognize the authority of the trustees of the Sand Hill congregation after the church's disassociation, a finding which the petitioners describe as religious in nature and beyond the jurisdiction of the civil courts. The petitioners implicitly argue that the Sand Hill congregation's unanimous vote to disassociate from the A.M.E. on October 9, 2005 severed all authority of the trustees of the congregation to convey any property of either petitioner to the respondent. (The deed from the trustees of the unincorporated Sand Hill church to the petitioner was dated November 15, 2005.) The Arkansas Supreme Court expressly made no determination regarding the status of the congregation's trustees in the eyes of either petitioner after the October 9, 2005 disassociation.

The Arkansas courts held that the 1971 Deed granted no right, title, or interest in the real property to either petitioner. App. 9, 14. Instead, the Arkansas courts held that the 1971 Deed conveyed title to the real property to the trustees of the Sand Hill A.M.E. church to be held in trust for the members of that unincorporated religious society. App. 13. The Arkansas Supreme Court consequently held that the petitioners lacked standing to challenge the validity of the November 2005 Deed from the trustees of the Sand Hill church to the respondent. The Arkansas Supreme Court did not reach any issue regarding the authority of the trustees of the Sand Hill church to transfer property of the

petitioners after the October 9, 2005 disassociation. App. 14.

The Arkansas courts decided this case based on their construction of the 1971 Deed under principles of state law. No doctrinal or religious issue was addressed by the Arkansas courts.

II.

THE ARKANSAS COURTS PROPERLY EXCERCISED JURISDICTION OVER THIS CASE AND DECIDED IT UNDER NEUTRAL PRINCIPLES OF ARKANSAS LAW.

In their second question for review, the petitioners assert that an amendment to a hierarchal church's constitution after the decision of this Court in *Jones v. Wolf*, 443 U.S. 595 (1979) should control the construction of a deed given decades before the amendment. The petitioners failed to raise this issue below and to preserve it for review. The Arkansas Supreme Court noted in its opinion that this issue had not been raised and preserved for appeal. App. 10, n. 1.

Furthermore, in its consideration of the language of the 1971 Deed together with the 1968 Book of Discipline that was in use in 1971 when the deed was given, the Arkansas Supreme Court followed long-standing Arkansas precedent regarding the construction of instruments of title. In 2001, the Arkansas Supreme Court stated in a church property dispute that it had "long held that parties to a

conveyance have a right to rely upon the law as it was at [the time of the conveyance]." *Arkansas Presbytery of the Cumberland Presbyterian Church v. Hudson*, 344 Ark. 332, 344, 40 S.W.3d 301, 310 (2001) (citing cases from 1981 through 1997). In other words, Will Bailey and his administratrix had the right under Arkansas law to rely on the provisions of the 1968 Book of Discipline when they rejected the trust deed therein, which would have granted a trust benefitting the National A.M.E. in the local church property, and prepared a deed that fulfilled their intention of deeding the property in trust for the membership of the Sand Hill congregation.

In *Jones v. Wolf*, 443 U.S. at 605, this Court held that the First Amendment does not require the states to adopt a rule of compulsory deference to religious authority. Arkansas declined a rule of compulsory deference in favor of the neutral principles of law approach to church property disputes in *Arkansas Presbytery*, 344 Ark. at 339. If adopted, however, the petitioners' argument would institute a rule of compulsory deference on the states. In the petitioners view, the National A.M.E. may unilaterally impose a trust in its favor on property owned for decades under state law by an affiliated, unincorporated religious society simply by writing such a trust into its governing documents. According to petitioners, the "long held" principles of state law governing the creation of trusts must yield to the religious hierarchy and its dictates. The First Amendment has never compelled such a limitation on the authority of the states. *See Jones v. Wolf*, 443 U.S. at 602 ("[T]he First Amendment does not dictate

that a State must follow a particular method of resolving church property disputes.").

Although the 1968 Book of Discipline included a form of trust deed in favor of the National A.M.E. and a plan for the holding of church property for the benefit of the hierarchal church, this edition deferred to state law. As pointed out by the Arkansas Supreme Court, the 1968 Book of Discipline states that "the meaning and intent of this chapter [on ownership of church property] . . . is to be subject to the said state law. . .." App. 11; S. App. 7. Arkansas law does not allow a stranger to title to impose a trust upon property owned by another. *See* Ark. Code Ann. § 28-73-402(a)(1-2) (2007 Supp.) (the creation of a trust requires a manifestation of intent by a settlor with capacity); *Farmers & Merchant's Bk. v. Deason,* 25 Ark. App. 152, 154-55, 752 S.W.2d 777, 779 (1988) (the interpretation of a trust involves a determination of the settlor's intent as manifested in the written instrument in light of the circumstances of its creation).

The creation of a trust under Arkansas law must satisfy standards that are codified in the Arkansas Code. Arkansas law has for most of a century prohibited the creation of a trust in real property by the mere inclusion in a deed of the terms "trustee", "as trustee", or "agent" following the name of the grantee. Ark. Code Ann. § 18-12-604(a)(1). Such a conveyance vests title in the grantee free of claims of all other persons. *Id.* § 18-12-604(a)(2), (b). However, the General Assembly made an exception to this general rule for conveyances of less than forty

acres to persons "as trustee" of any "religious society within this state".[1] *Id.* § 18-11-201.

In 2005, the Arkansas General Assembly enacted a comprehensive trust code. *See* Ark. Code Ann. §§ 28-73-101 to 28-73-1106 (2007 Supp.) (hereinafter the "Trust Code"). Because the Trust Code largely codified existing trust law, the General Assembly expressly provided that it would apply to all trusts created on, before, or after the effective date of September 1, 2005 and to all judicial proceedings commenced on or after September 1, 2005. *Id.* § 28-73-1106. The Arkansas Supreme Court correctly relied upon the Trust Code as a neutral principle of law under which the 1971 Deed was construed. The Trust Code expressly provides that a "trust is created only if" the owner/settlor takes some action indicating an intent to create a trust in property for a "definite beneficiary", among other requirements. *Id.* § 28-73-402(a) (2007 Supp.).

The Arkansas courts applied these neutral principles of property and trust law in their decisions in this case. The courts concluded that the 1971 Deed conveyed title to the subject real property to the three named individuals in trust for the members of the unincorporated Sand Hill A.M.E. church. Neither petitioner was named in the deed, neither was a "definite beneficiary", and neither was granted

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[1] The National A.M.E. was not a "religious society within this state" whose trustees could have held less than forty acres conveyed to them as trustees of the religious society. The National A.M.E., a Pennsylvania corporation, had never registered to do business in Arkansas, despite provisions in its 1933 charter requiring it to register in every state where it held property or had connectional churches. R. 537, at 53; R. 542.

any right, title or interest in the property. App. 13-14.

In their first question presented to this Court, petitioners challenge the Arkansas courts' exercise of jurisdiction in this case. Specifically, petitioners cite *Lemon v. Kurtzman*, 403 U.S. 602 (1971) in support of the argument that the Arkansas courts' hearing of this case involved "excessive entanglement of religion." But in all of the cases from other jurisdictions cited by petitioners in Section II of their Argument, the courts exercised subject matter jurisdiction over the disputes before them. (In *Jones v. Wolf*, this Court authorized the judicial determination of church property disputes under neutral principles of state law.) And unlike the dispute in *Lemon v. Kurtzman*, the cases cited by petitioners in Section II of their Argument involved only disputes over ownership of church property. *See African Methodist Episcopal Church, Inc. v. St. Johns African Methodist Episcopal Church*, 2009 Ohio 1394 (Ohio Ct. App., Fifth Div. 2009); *From the Heart Church Ministries, Inc. v. Philadelphia Baltimore Annual Conference, Inc.*, 184 Md. App. 11, 964 A.2d 215 (Ct. Spec. App. 2009); *Episcopal Church Cases*, 45 Cal. 4th 467, 198 P.3d 66 (Cal. 2009); *Episcopal Diocese v. Harnish*, 11 N.Y.3d 340, 899 N.E.2d 920 (N.Y. Ct. App. 2008); *St. Paul Church, Inc. v. Board of Trustees of the Alaska Missionary Conference of the United Methodist Church, Inc.*, 2006 Alas. LEXIS 156, 145 P.3d 541 (Alaska 2006); *Cumberland Presbytery v. Branstetter*, 1992 Ky. LEXIS 28, 824 S.W.2d 417 (Ky. 1992); *North Cent. N.Y. Annual Conference v. Felker*, 816 N.Y.S.2d 775, 28 A.D.3d 1130 (N.Y. App. Div. 2006).

Furthermore, in section II of their Argument, petitioners request this court to grant certiorari in this case because its outcome differs from the outcome in the foregoing cases. The difference in outcomes can be explained by differences in state law and in the facts of the cases, primarily the incorporation of the local church under the auspices of the hierarchal church or adherence to polity of the hierarchal church, but not on the basis of federal law. *See, e.g., Episcopal Church Cases, 45* Cal. 4th at 473, 495, 198 P.3d at 70, 85 (Kennard, J., concurring) (The local church was incorporated under California law, which was amended in 1982 to impose a trust in local church property where provided for in the greater church's governing documents, and "[The] governing documents [of the general church made] it clear that church property is held in trust for the general church."); *Cumberland Presbytery*, 824 S.W.2d at 422 (distinguishing the award of property to a faction of a local church loyal to the hierarchy from an earlier case in which the local congregation voted unanimously to disassociate from the hierarchal church and the local congregation was awarded possession of church property); *Episcopal Diocese*, 11 N.Y.3d at 347, 899 N.E.2d at 921 (local church was incorporated and agreed to abide by the constitution and canons of the general church); *St. Paul Church*, 145 P.3d at 546 (Before the local church incorporated, the hierarchal church informed in writing those interested in forming a local church that the local church would be tied together with the World church and that there is no such thing as locally owned church property. The local church signed a statement of intent and agreed to worship

under the Book of Discipline of the hierarchal church); *Felker*, 816 N.Y.S.2d at 775, 28 A.D.3d at 1130 (property awarded to the hierarchal church where local church, which had previously been associated with other denominations, joined the hierchal church, whose existing Book of Discipline imposed a trust on the property of the member church); *From the Heart Christian Ministries*, 964 A.2d at 219, 229-234 (finding consent in the local church's governing documents and other writings, during the entire period of association, to the hierarchal church's governing documents, which included a mandatory trust in favor of the hierarchal church in real property, but not personal property, of the local church); *St. John's A.M.E. Church*, 2009 Ohio at P3, P43-P60 (finding that St. John's governed itself according to the hierarchal church's Book of Discipline and awarding property to the hierarchal church based on the application of the current Book of Discipline to a deed given in 1924).

As this Court stated in *Jones v. Wolf*, 443 U.S. at 606, the result under a neutral principles analysis is "not foreordained". Differences in outcomes of cases between states, and between cases within the same state, are to be expected under a neutral principles analysis. Such differences involve no question of federal law.

III.
COURSE OF DEALING WAS NOT RAISED BELOW AND PRESENTS NO ISSUE OF FEDERAL LAW.

In their third question presented for review, the petitioners assert that a hierarchal church's "foundational document" can be altered over time by a course of dealing. In the trial court, the petitioners maintained that the National A.M.E.'s Book of Discipline had not changed over time with respect to the imposition of a trust on property held by local churches. R. 263, 507. The petitioners therefore did not raise alteration of any document of church governance by course of dealing as a defense in this action. R. 34-41, 148-49.

Furthermore, course of dealing is a contractual principle from the Uniform Commercial Code, *see* Ark. Code Ann. § 4-2-202(a) (2007 Supp.), a matter of state law. The course of dealing of the parties presents no question of federal law.

Under point III of their argument, the petitioners do not relate any course of dealing between the parties to amendments to the Book of Discipline which would impose a trust on the property of the Sand Hill church. The amendment to the Book of Discipline to which the petitioners refer[2]

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[2] The petitioners now argue that the changes to the Book of Discipline came in 1984. At trial, the petitioners did not introduce evidence of the date of the changes to the Book of Discipline. Excerpts from the 1968, 2000, and 2004 editions were received into evidence.

includes a statement that the trustees of a local church hold all property in trust for the National A.M.E., even though "previously executed" conveyances of property to the local church's trustees did not include a trust in favor of the National A.M.E., where certain conditions were met, such as use of the name "A.M.E. Church", acceptance of pastors from an annual conference, and the payment of conference assessments. The petitioners failed to raise this argument below, App. 10, n.1, and the Arkansas courts did not address the argument. App. 13-14.

CONCLUSION

For these reasons, this Court should deny petitioners' petition for the issuance of a writ of certiorari.

Respectfully Submitted,

Roger D. Rowe, Ark. Bar No. 85140
Lax, Vaughan, Fortson,
Jones & Rowe, P.A.
Cantrell West Building
11300 Cantrell Road, Suite 201
Little Rock, Arkansas 72212
(501) 376-6565
(501) 376-6666 *fax*
E-mail: rrowe@laxvaughan.com

Attorneys for Respondent

SUPPLEMENTAL APPENDIX

PLAINTIFF'S EXHIBIT NO. 18

THE BOOK OF DOCTRINE AND DISCIPLINE OF THE AFRICAN METHODIST EPISCOPAL CHURCH (1968 ed.)

SECTION 2 **GENERAL CHURCH PROPERTY**

1. For the security of our meeting houses and the premises belonging thereunto, let the following plan of a deed of settlement be brought into effect in all possible cases wherever the law will permit it in a State.

2. If necessary, each Annual Conference may make such modifications in the deed as may be required by the laws of any State, so as to firmly secure the premises to the African Methodist Episcopal Church.

3. No personal or real property whatsoever of the A. M. E. Church in any foreign district or parts thereof shall be purchased, disposed of, sold, or otherwise encumbered except by the written consent of the presiding bishop and trustees elected by the Annual Conference in which the property is located.

4. The incorporation of all our churches, where the law will permit it, should be attended to as soon as possible. And in every corporation of the A.M. E. Church the pastor shall be president of the corporation and of the board of trustees, and the method of electing trustees shall be the same as prescribed in the Book of Discipline. Every pastor

shall see that the provision is a part of the articles of incorporation.

Abandoned Property

If any church property is abandoned in consequences of the disbanding of the society the title of said property shall vest in the Annual Conference in which it is located. Said property shall be sold by the Annual Conference Trustees, and the proceeds deposited in the Annual Conference Treasury, to be used for mission work and church extension in the conference which said property is located. The funds shall be disbursed by the direction of the conference committee on church extension with the approval of the Annual Conference. A duplicate record of the transaction shall be deposited with the General Secretary of the African Methodist Episcopal Church.

a. Form of Deed

This indenture, made this .....day of .....in the year of our Lord one thousand.....hundred and .....between .....of the ....., in the state of ....., (if the grantor be married, insert the name of his wife) of the one part, and .....trustees, in trust for the use and purposes hereinafter mentioned, all .....of the .....in the Sate of .....aforesaid, of the other part, witnesseth, that the said.....(if married, insert the name of his wife), for and in

consideration of the sum of .....specie, to .....in hand paid, at and upon the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath (or have) given, granted, bargain, sold, released, confirmed, conveyed and by these presents doth (do) give, grant, bargain, sell, release, confirm, and convey unto them the said trustees and their successors (trustees in trust for the uses and purposes thereinafter mentioned and declared) all the estate, right, title, interest, property, claim, and demand whatsoever, either in law or equity, which he, the said .....(if married here insert his wife's name) hath (or have) in, to, or upon all and singular, a certain lot or piece of land, situated, lying, and being in the .....and State aforesaid, bounded as follows to wit: (here insert the several courses and distances of the land to the place of beginning), containing and laid out for ..... acres of land, together with all and singular the houses, woods, water ways, privileges, and appurtenances thereto belonging or in any wise pertaining to have and to hold all and singular the above mentioned and described lot or piece of land; situated, lying, and being as aforesaid, together with all and singular the houses, woods, water ways and privileges thereto belonging unto the said Trustees and their successors in office forever into.....that they shall erect or cause to be erected thereon, house or place of worship, for the use of the members of the African Methodist Episcopal Church in the United States of America, according to the rules and Discipline of said Church, which from time to time may be adopted and agreed upon by the ministers and preachers of the

said Church, at their General Conference in the United States of America, Africa, Canada, South America, and the West Indies. In further trust and confidence, they shall at all times forever hereafter permit such ministers and preachers belonging to said church, as shall from time to time be duly authorized by the General Conference of the said African Methodist Episcopal Church, or by annual conferences authorized by the said Conferences to preach and expound God's holy word therein; and in further trust and confidence, that as often as any one or more trustees, herein before mentioned, shall dies or cease to be a member or members of said Church, according to the rules, it shall be the duty of the stationed minister or preacher (authorized as aforesaid) who hall have the pastoral charge of the members of said church, to call a meeting of the members of the church according to law as soon as conveniently possible and when so met, the said minister or preacher shall proceed to nominate one or more persons to fill the place or places of him or them whose office or offices has or have been vacated as aforesaid. Provided the person or persons so nominated shall have been one year a member or members of the said church immediately preceding such nomination, and be at least twenty-one years of age; and the said members, so assembled, shall proceed to elect and by a majority of votes appoint the person or persons so nominated to fill such vacancy or vacancies in order to keep up the number of trustees forever. In case of an equal number of votes for and against the said nomination, the stationed minister or preacher shall have the casting vote.

Provided, nevertheless, that the said trustee or any of them, or their successors have advanced or

shall advance any sum or sums of money, or are, or shall be responsible for any sum or sums of money on account of said premises, and they, the said trustees, or their successors, be obliged to pay the sum or sums of money, they or a majority of them shall be authorized to raise the said sum or sums of money by mortgage on the said premises, or by selling the said premises after notice given to the pastor or preacher that has the oversight of the congregation attending divine services on the said premises, if the money due be not paid to the said trustees, or their successors, after paying the debt, and other expenses which are due, from the money arising from such sale, shall deposit the remainder of the money produced by the stewards of the society belonging to or attending divine service on said premises, which surplus or the proceeds of such sale, so deposited in the hands of the said steward or stewards, shall be at the disposal of the next annual conference, authorized as aforesaid; which said annual conference shall dispose of the said money according to the best of their judgment, for the use of the said society. And the said .....doth, by these presents, warrant and forever, defend all and singular the above mentioned and described lot or piece of ..... ground with the appurtenances thereto belonging, unto them the said ..... and their successors chosen and appointed, as aforesaid, from the claim or claims of him, the said ..... heirs and assigned heirs from the claim or claims of all persons, whatsoever.

In testimony whereof, the said..... .....(if married, insert the name of his wife) have hereto set their hands and seals the day and year aforesaid.

Sealed and delivered in presence of us:

Grantor's (L.S.)

His Wife's (L.S.)

Received the day of the date of the above written indenture ..... the consideration therein mentioned in full.

Witnesses,

Grantor's (L.S.)

County, ss.

Be it remembered that on the ..... day of ..... in the year of our Lord one thousand .....(personally appeared before me one of the Justices of the Peace) in the county of ..... and State of ..... and within name .....(the grantor, if married, insert the name of his wife), and acknowledged the within deed of trust to be their act and deed, for the uses and purposes therein mentioned and declared; and she, the said ..... wife of the said ..... being separate and apart from her, the said .....husband, by me examined, declared that she had made the said acknowledgment freely and with her own consent, without being induced hereto, through fear or threats of her said husband. In testimony whereof, I have hereunto set my hand

and seal, the day and year first above written

.....

(Here the Justice's name).

1. *Let all our churches be built with simplicity and dignity.*

2. *Whereas some of the states and territories (and countries) have special acts on their statue books governing religious bodies, therefore the meaning and intent of this chapter wherever it refers to the law of the State or Territory is to be subject to the said state law and not to any individual church corporation that is now or may be incorporated.*

3. *Any church or congregation among us that will not submit wholly to the spiritual government of our General and Annual Conferences shall be disowned.*